BLOGS

Right to Sleep is a Basic Human Requirement: Bombay High Court to Enforcement Directorate

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In the case of Ram Issrani v. ED, the judges stated that the right to sleep is a basic fundamental right and its violation violates basic human rights.

On Tuesday, the Bombay High Court admonished the Enforcement Directorate (ED) for taking a petitioner's statement late into the night. The court instructed the ED to set "reasonable timings" for such processes, underscoring the right to sleep as a fundamental right.

While the right to sleep may not be explicitly mentioned in the Indian Constitution, it is considered a fundamental aspect of personal well-being. Justice Chauhan in his concurring opinion in **Ramlila Maidan Incident case** stated that the right to life included the right to sleep peacefully as well, and any unjustified intrusion would amount to an invasion of privacy, which is an essential element of the right to life and human dignity.

The judgement also broadened the ambit of the Right to Life under Article 21 of the Indian Constitution and stated, "Sleep is essential for a human being to maintain the delicate balance of health necessary for its very existence and survival. Sleep is, therefore, a fundamental and basic requirement without which the existence of life itself would be in peril." Justice Chauhan held the right to sleep peacefully at the same level as right to food and right to privacy which have both been held as inviolable right by the Supreme Court.

Justices Revati Mohite Dere and Manjusha Deshpande, presiding over the case of a 64-year-old individual accused under the Prevention of Money Laundering Act (PMLA), voiced concerns about ED's late-night interrogation methods during their deliberations on the petition.

The judges opined "Consent is immaterial. Recording of statement, at unearthly hours, definitely results in deprivation of a person's sleep, a basic human right of an individual. We disapprove this practice. Thus, we deem it appropriate to direct the ED to issue a circular/directions, as to the timings, for recording of statements, when summons under Section 50 of the PMLA are issued".

The right to sleep is inherently linked to the right to life and personal liberty. Adequate sleep is essential for maintaining physical and mental health, cognitive functioning, and overall quality of life. Sleep deprivation or disruption can have serious consequences for individuals, impacting their ability to function effectively and posing risks to their health and safety.

Courts in India have recognized the importance of sleep for human well-being and have intervened in cases where factors such as noise pollution, working conditions, or arbitrary actions by authorities have infringed upon individuals' right to sleep. By affirming the right to sleep as an integral component of personal liberty, the judiciary reinforces the principle that individuals have a legitimate expectation to enjoy uninterrupted rest and recuperation, free from undue interference or harassment.